

14 FAH-2 H-400 SOLICITATION, EVALUATION, AND AWARD

14 FAH-2 H-410 SOLICITATION

(CT:COR-1; 12-20-2005)
(Office of Origin: A/OPE)

14 FAH-2 H-411 GENERAL

(CT:COR-1; 12-20-2005)

- a. Previous chapters focused on the initial phase of the contracting process—preparing for the solicitation. This chapter discusses the second phase—solicitation, evaluation, and award. The U.S. Government communicates its requirements to the private sector by means of a solicitation document, the Invitation for Bids (IFB), the Request for Proposals (RFP), or the Request for Quotations (RFQ); evaluates bids/proposals; conducts negotiations (competitive negotiation method only); and awards a contract. In this phase, the contracting officer has primary responsibility, with the contracting officer's representative (COR) providing technical advice and support.
- b. Responsibilities in the solicitation stage of the contracting officer's representative (COR) and the contracting officer (CO) are found in 14 FAH-2 Exhibit H-411.

14 FAH-2 H-412 PUBLICIZING REQUIREMENTS

(CT:COR-1; 12-20-2005)

The U.S. Government's policy is to obtain maximum competition consistent with the nature of the acquisition. Depending on the type of requirement, there are various methods used to obtain prospective sources under a competitive situation. The requirements and contracting offices should be jointly interested in assuring that the U.S. Government obtains adequate competition through the solicitation of bids or offers from as wide a range of

sources as possible.

14 FAH-2 H-413 SOLICITATION MAILING LIST

(CT:COR-1; 12-20-2005)

- a. The ability of the U.S. Government to meet its acquisition goals is largely dependent upon the selection of responsible sources. The Federal Acquisition Regulation (FAR) requires that each contracting activity maintain a solicitation mailing list. The only exceptions to this requirement are when purchases are: nonrecurring; can be obtained by use of simplified acquisition procedures; or use electronic commerce methods that transmit solicitations or notices of acquisition opportunities automatically to all interested parties.
- b. The solicitation mailing list should contain the names of all eligible qualified suppliers that have submitted solicitation mailing list applications or that the contracting office considers capable of filling its needs. The contracting officer mails the solicitation to firms on the solicitation mailing list (or provides an address from which the solicitation may be downloaded) and to those who request it in response to the public notice. However, when the listed firms exceed a reasonable number, the contracting officer may limit the number of firms that receive a copy of the solicitation. This is a judgment factor balancing administrative costs against the need to obtain a sufficient number of sources. By rotation, all firms on the solicitation list will have an opportunity, over time, to receive solicitations.
- c. Contracting officers must make the solicitation mailing lists available to the public in response to a written request.

14 FAH-2 H-414 SOLICITATIONS

(CT:COR-1; 12-20-2005)

- a. The purpose of the solicitation (Invitation for Bids (IFB) for sealed bidding; Request for Proposals (RFP) for competitive negotiation; Request for Quotations (RFQ) for simplified acquisitions) is to provide the information needed by prospective offerors to prepare an offer. The solicitation consists of all the terms, conditions, and provisions that will constitute the resulting contract, and will indicate all the information that prospective offerors must furnish to permit a meaningful and equitable evaluation of their proposals. It consists of a technical section, normally the description or Performance Work Statement (PWS) which describes the goods or services to be acquired; an administrative section providing

instructions for the submission of proposals; the evaluation criteria and methods for proposal evaluation and contractor selection (if an RFP); proposed contract terms and conditions; and representations and certifications to be completed by the offeror.

- b. An RFP will require that proposals be submitted in two parts—a "technical proposal" and a "business or cost/price proposal." Each part is to be complete in itself so that one may be evaluated independently of the other.
- c. An RFP must include the evaluation criteria and their relative importance. Only the criteria set forth in the RFP can be used in evaluating proposals. The criteria cannot be modified without a formal amendment to the solicitation.

14 FAH-2 H-414.1 Uniform Contract Format

(CT:COR-1; 12-20-2005)

- a. The contracting officer is responsible for preparing the solicitation. Much of the information in the solicitation is derived from the procurement request package previously submitted by the requirements office. The Federal Acquisition Regulation (FAR) requires contracting officers to use the uniform contract format outlined in 14 FAH-2 Exhibit H-414.1A when preparing solicitations and contracts for noncommercial items. The uniform format facilitates preparation and review for both U.S. Government officials and offerors.
- b. The uniform contract format is not used for commercial-item solicitations. However, FAR 12.303 provides a contract format for commercial-item solicitations that is very similar to the uniform contract format. See 14 FAH-2 Exhibit 414.1B.

14 FAH-2 H-414.2 Solicitation Approval

(CT:COR-1; 12-20-2005)

- a. **Request for Proposals (RFP):** The COR and all other members of the technical evaluation panel (TEP) must be familiar with and understand the RFP prior to its release to the public. Make sure that TEP members understand what the Performance Work Statement (PWS) requires the contractor to do. This avoids misinterpretations later during the evaluation process. Reach a consensus and understanding with all TEP members on what specifically is meant by each evaluation criterion. This ensures that proposals are evaluated consistently and should avoid any significant variations in scores.
- b. **Invitation for Bids (IFB):** Since there is no TEP in a sealed bidding

situation, the contracting officer's representative (COR) need only review and approve the IFB prior to its release.

- c. **Solicitation release:** Once the solicitation has been reviewed and approved, the contracting officer will print the solicitation and mail out a copy to all parties on the solicitation mailing list or instruct offerors to download the solicitation from an electronic commerce site. For noncommercial item acquisitions exceeding \$25,000 that are synopsisized in Federal Business Opportunities (FedBizOpps), the U.S. Government must give offerors at least 30 days to prepare their bids or proposals. For commercial item acquisitions, contracting officers must provide a reasonable amount of time; there is no mandated timeframe.

14 FAH-2 H-415 PRE-PROPOSAL CONFERENCES

(CT:COR-1; 12-20-2005)

- a. The contracting officer, in consultation with the contracting officer's representative (COR), may decide that a pre-proposal/pre-bid (before offers are submitted) conference is necessary to brief prospective offerors. It is generally used where the work requirements are complex. Whenever possible, the contracting officer makes the decision to hold a pre-proposal conference prior to the issuance of the solicitation so that a notice to that effect may be included in the solicitation. If the decision to hold the conference is made after the solicitation is issued, the contracting officer must provide all recipients of the solicitation with adequate notice of the time, date, location, purpose, and scope of the conference. The contracting officer and COR must ensure that answers to all significant questions are reduced to writing and that significant material is provided to all prospective offerors.
- b. The contracting officer conducts the pre-proposal conference. The COR attends to advise on technical matters. The contracting officer is responsible for determining the agenda and ensuring that a record of conference proceedings is prepared for distribution to all recipients of the solicitation, whether or not they are in attendance.
- c. The pre-proposal conference may be used to:
 - (1) Disclose any ambiguities, errors, or omissions in the solicitation that may later be corrected in a written amendment;
 - (2) Discuss any exceptional demands on a prospective contractor's capacity or capability; or
 - (3) Clarify complicated work statements and provide further insight into the scope and complexity of the project.

14 FAH-2 H-416 COMMUNICATIONS WITH OFFERORS

(CT:COR-1; 12-20-2005)

- a. Between the time that a solicitation is issued and the contract is awarded, only authorized contracting personnel may have contact with the offerors. **The COR must refer, without answering, all questions received from prospective offerors to the contracting officer.** The solicitation gives the name of the contracting officer and states that only the contracting officer represents the U.S. Government. This procedure ensures that all prospective offerors receive equal treatment.
- b. The contracting officer must sign all correspondence to prospective contractors regarding the acquisition and must receive all correspondence from prospective contractors relating to the acquisition.
- c. If, for any reason, one offeror is given information beyond what is contained in the solicitation, the same information must be given to all others responding to the solicitation by means of a formal amendment.

14 FAH-2 H-417 AMENDING THE SOLICITATION

(CT:COR-1; 12-20-2005)

- a. It may be necessary to amend the solicitation for such reasons as:
 - (1) Issues raised in the pre-proposal conference;
 - (2) The need to change the closing date for receipt of proposals;
 - (3) The need to correct defects or ambiguities; or
 - (4) Significant changes in quantity, specifications, or delivery schedules.
- b. Amendments to solicitations are administratively expensive and may delay contract award. When an amendment is unavoidable, the contracting officer prepares and distributes the amendment to all recipients of the solicitation. The contracting officer may not award a contract unless amendments made to the solicitation have been issued in sufficient time to be considered by prospective offerors.

14 FAH-2 H-418 AND H-419 UNASSIGNED

14 FAH-2 EXHIBIT H-411 RESPONSIBILITIES IN THE SOLICITATION STAGE OF THE CONTRACTING OFFICER'S REPRESENTATIVE (COR) AND THE CONTRACTING OFFICER (CO)

(CT:COR-1; 12-20-2005)

Procurement Stage	COR Responsibilities	CO Responsibilities
Preparing the solicitation	Provide technical input to the contracting officer (CO) Secure technical evaluation panel (TEP) approval of the solicitation Assist CO in pre-proposal conference, if necessary Forward all questions from offerors to the CO	Prepare draft solicitation for TEP review and approval Prepare final solicitation Send to all on source list Respond to inquiries Hold pre-proposal conference, if necessary Amend solicitation, if necessary Cancel solicitation, if necessary
Evaluating proposals	Prepare technical evaluation plan Provide technical input to TEP Prepare TEP report	Advise TEP Review cost proposals Establish competitive range Control discussions/negotiations with offerors Evaluate and advise on TEP report
Negotiation and award	Provide technical input to CO Assist in negotiations, as necessary Assist in debriefings, as necessary	Supervise negotiations Complete award process Notify unsuccessful offerors Conduct debriefings

14 FAH-2 EXHIBIT H-414.1A UNIFORM CONTRACT FORMAT

(CT:COR-1; 12-20-2005)

Part I - The Schedule

- Section A - Solicitation/Contract Form
- Section B - Supplies or Services and Prices/Costs
- Section C - Description/Specifications/Work Statement
- Section D - Packaging and Marking
- Section E - Inspection and Acceptance
- Section F - Deliveries or Performance
- Section G - Contract Administration Data
- Section H - Special Contract Requirements

Part II - Contract Clauses

- Section I - Contract Clauses

Part III - List of Documents, Exhibits, and Other Attachments

- Section J - List of Attachments

Part IV - Representations and Instructions

- Section K - Representations, Certifications, and other Statements of Offerors
- Section L - Instructions, Conditions, and Notices to Offerors
- Section M - Evaluation Factors for Award

14 FAH-2 EXHIBIT H-414.1B COMMERCIAL ITEM FORMAT

(CT:COR-1; 12-20-2005)

Form SF-1449, Solicitation/Contract/Order for Commercial Items

Continuation of any block from the SF-1449, such as contract line items, schedules, pricing information

Contract Clauses

Contract Documents, Exhibits, and Attachments

Instructions to Offerors

Evaluation Information/Factors

Certifications and Representations